



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,261	04/02/2004	Chyi-Yiing Wu		1779
7590	09/07/2005			
Chyi-Yiing Wu P. O. Box 55-846 Taipei, 104 TAIWAN			EXAMINER ELVE, MARIA ALEXANDRA	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,261

Applicant(s)

WU, CHYI-YIING

Examiner

M. Alexandra Elve

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1:121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (USPN 6,782,034).

Li discloses a laser plumbing and leveling instrument which projects a laser line. It is comprised of a laser emitting device, a laser line (plane) projecting optical system, and a laser line (plane) rotating and/or moving unit, wherein the laser line (plane) projecting optical system comprises a horizontal laser unit, a vertical laser unit and/or inclined laser unit.

The universal laser plumb leveler with adjustable height of horizontal line according to the present invention comprises a pedestal, a base, a pillar, a pushbutton switch, a rotating port on unit, a lateral axle unit, a vertical laser unit and a horizontal laser unit, in which the vertical laser unit and the horizontal laser unit are mounted on the rotating portion unit and the rotating portion unit are coupled with the pillar via the lateral axle unit and a zero position leveler is provided on the rotating portion unit. The rotating portion unit (11) is formed into a disc shape. The laser line (plane) rotating unit

Art Unit: 1725

comprises a universal magnetic joint unit having an intensified magnet and steel ball and an instrument body unit, which can freely rotate, on the joint.

Moreover, the universal laser plumbing leveler with adjustable height of horizontal line uses the universal magnetic joint having a pedestal (including a pillar and a magnetic absorbing disk), an instrument body, a horizontal laser unit, a vertical laser unit, a power supply switch, a battery (15), a horizontal leveler, a zero position leveler and so forth. All units on the instrument body can incline and rotate along the instrument body within a very wide range (more than  $\pm 60$  degrees or unlimited 360 degrees) and can stop at any position within the after mentioned range.

The horizontal leveler mounted on the instrument body can operate at different positions when it rotates around its own axle (within 360 degree range), and its leveling axis is parallel to the plane of the laser line emitted from the horizontal line laser unit. The zero position leveler is an ordinary leveler, and when it is leveled, the vertical laser provides the plumb radial plane.

The pedestal can be placed on the ground or any stable object (e.g. a table) and can also use the magnetic absorbing disk to be "mounted" on an iron or steel object (for e.g. a steel support); the bottom face of the pedestal can be placed horizontally and can also be "mounted" on a vertical face or an iron or steel object vertically. The instrument can still work even if it is "mounted" on an inclined steel member. (abstract, figures, col. 2, lines 55-68, col. 3, lines 40-67, col. 4, lines 1-45, col. 5, lines 40-50, col. 11, lines 1-8)

**Conclusion**

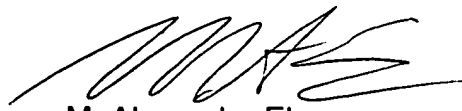
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See US PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 5, 2005.

  
M. Alexandra Elve  
Primary Examiner 1725